

DECLARATION
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

CONJUGATE FOR DIFFERENTIATING BETWEEN HEALTHY AND UNHEALTHY TISSUE

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☒ was filed in the United States on January 21, 2000 as Application No. 09/463,474 (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☒ was filed as PCT international Application No. PCT/DE98/02102 on 22 July 1998 and was amended under PCT Article 19 on 9 August 1999 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | |
|--|---------|--------------------------------------|---|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED |
| 197 31 741.3 | Germany | 23 July 1997 | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

| APPLICATION NUMBER | FILING DATE |
|--------------------|-------------|
| | |
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|------------------------|-------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| | | | | |
| | | | | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

| SEND CORRESPONDENCE TO: | | PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711 | | DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803 | |
|-------------------------|-------------------------|--|-------------------------------------|--|-------------------|
| 201 | FULL NAME OF INVENTOR | LAST NAME SINN | FIRST NAME Hansjörg | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Wiesloch | STATE OR FOREIGN COUNTRY Germany | COUNTRY OF CITIZENSHIP Germany | |
| | POST OFFICE ADDRESS | STREET Ahornweg 10 | CITY Wiesloch | STATE OR COUNTRY Germany | ZIP CODE 69168 |
| 202 | FULL NAME OF INVENTOR | LAST NAME SCHRENK | FIRST NAME Hans-Hermann | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Zeiskamm | STATE OR FOREIGN COUNTRY Germany | COUNTRY OF CITIZENSHIP Germany | |
| | POST OFFICE ADDRESS | STREET Mittelgasse | CITY Zeiskamm | STATE OR COUNTRY Germany | ZIP CODE 67278 |
| 203 | FULL NAME OF INVENTOR | LAST NAME WUNDER | FIRST NAME Andreas | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Eppelheim | STATE OR FOREIGN COUNTRY Germany | COUNTRY OF CITIZENSHIP Germany | |
| | POST OFFICE ADDRESS | STREET Joh.-Seb.-Bach-Str. 18 | CITY Eppelheim | STATE OR COUNTRY Germany | ZIP CODE 69214 |
| 204 | FULL NAME OF INVENTOR | LAST NAME STEHLE | FIRST NAME Gerd | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Heidelberg | STATE OR FOREIGN COUNTRY Germany | COUNTRY OF CITIZENSHIP Germany | |
| | POST OFFICE ADDRESS | STREET Edinger Str. 11 | CITY Heidelberg | STATE OR COUNTRY Germany | ZIP CODE 69123 |
| 205 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |
| 206 | FULL NAME OF INVENTOR | LAST NAME | FIRST NAME | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP | |
| | POST OFFICE ADDRESS | STREET | CITY | STATE OR COUNTRY | ZIP CODE |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|--|---|---|
| SIGNATURE OF INVENTOR 201 Hansjörg Sinn | SIGNATURE OF INVENTOR 202 Hans-Hermann Schrenk | SIGNATURE OF INVENTOR 203 Andreas Wunder |
| DATE 15.05.2000 | DATE 15-05-00 | DATE 29.05-00 |
| SIGNATURE OF INVENTOR 204 Gerd Stehle | SIGNATURE OF INVENTOR 205 | SIGNATURE OF INVENTOR 206 |
| DATE 18.5.2000 | DATE | DATE |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: *Sinn et al.*
☐ Patent of:



☐ Application No.: 09/463474
☐ Patent No.:

Group Art Unit: To be assigned

☒ Filed: January 21, 2000
☐ Issued:

Examiner: Herewith

For: CONJUGATE FOR
 DIFFERENTIATING BETWEEN
 HEALTHY AND UNHEALTHY TISSUE

Attorney Docket No.:
 8484-077-999

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
 [37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization Deutsches Krebsforschungszentrum Stiftung des öffentlichen Rechts
 Address of organization Im Neuenheimer Feld 280, D-69120 Heidelberg Germany

Type of organization

- ☐ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America
 (Name of state _____)
 (Citation of statute _____)
☒ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
 (Name of state _____)
 (Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled CONJUGATE FOR DIFFERENTIATING BETWEEN HEALTHY AND UNHEALTHY TISSUE by inventor(s) Hannsjörg Sinn, Hans-Hermann Schrenk, Andreas Wunder, and Gerd Stehle described in

- ☐ the specification filed herewith
☒ application no. 09/463474 filed January 21, 2000.
☐ patent no. issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____


☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, N.Y. 10036-2711

Direct Telephone call to:
(212) 790-9090

| | | |
|----------------------------------|---|------------------------------------|
| Name of person signing | Prof. Dr. med. Harald zur Hausen | Dr. rer. pol. Josef Puchta |
| Title of person other than owner | Chairman a. Scient. Member | Adm. Member of the Board |
| Address of person signing | Eichenstr. 1 69 483 Waldmichelbach | Eichenweg 12a 69198 Schriesheim |
| Signature |  | Date May 08, 2000 |

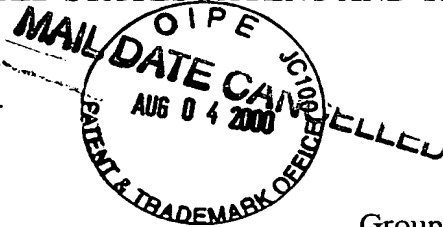
*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

09/463474

Express Mail No.: EL 451 594 644 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Sinn *et al.*



Serial No.: 09/463,474

Group Art Unit: To be assigned

International Filing Date: 21 January 2000

Examiner: To be assigned

For: CONJUGATE FOR DIFFERENTIATING
BETWEEN HEALTHY AND
UNHEALTHY TISSUE

Attorney Docket No.:
8484-077-999

REQUEST TO ESTABLISH SMALL ENTITY STATUS UNDER 37 CFR § 1.28

Application Processing Division
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Request to Establish Small Entity Status under 37 CFR § 1.28 is made to establish small entity status.

On January 21, 2000, Applicants submitted for filing a Utility Patent Application under 37 CFR § 1.53(b).

Applicants now submit an executed original Verified Statement (Declaration) Claiming Small Entity Status under § 1.27(d) for Deutsches Krebsforschungszentrum Stiftung des öffentlichen Rechts, who qualifies as a Small Entity under 37 C.F.R. §§ 1.9 (f) and 1.27 (d). It is respectfully requested that the application be accorded Small Entity Status in accordance with 37 C.F.R. §§ 1.9(f) and 1.27(d).

No fee is believed to be due with this filing. However, should the Commissioner determine otherwise, he is authorized to charge the required fee to the Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is attached.

Respectfully submitted,

Date August 4, 2000

Laura A. Coruzzi / Reg # 42,983
Laura A. Coruzzi 30,742
(Reg. No.)

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Enclosure